



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 29 2012

Mr. Benjamin Klapper
Pateley Associates, LLC
Pateley Associates, a Connecticut Limited Partnership
c/o Ingber & Klapper LLP
900 Third Avenue, 5th Floor
New York, New York 10022

Mr. Brian R. Quillia, PE
Manager, Environment, Health and Safety Programs
Pitney Bowes Inc./Environment, Health and Safety
27 Waterview Drive
Shelton, Connecticut 06484

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c)
23 Barry Place
Stamford, Connecticut

Dear Msrs. Klapper and Quillia:

This is in response to your Notification¹ to address PCB-contaminated concrete and PCB-contaminated soils on the property located at 23 Barry Place in Stamford, Connecticut (the Site). Specifically, PCB-contamination exceeding the allowable concentrations for unrestricted use is present in the concrete and soils at the Site. The Notification was submitted on behalf of Pateley Associates, LLC (Pateley) and Pitney Bowes Inc. (Pitney Bowes) by Haley & Aldrich in accordance with the requirements under 40 CFR §§ 761.61(a)(3) and (c).

¹ Information was submitted on behalf of Pateley and Pitney Bowes by Haley & Aldrich to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated December 2011 (Self-Implementing Cleanup and Disposal Plan (SIP)); January 12, 2012 (Meeting Agenda and Regulatory Issues paper); January 30, 2012 (SIP Addendum #1); February 10, 2012 (email contact information); February 13, 2012 (email owner's certification); February 21, 2012 (email SOP information); February 28, 2012 (email regarding AOC 24); March 1, 2012 (email EPA response to February 28, 2012 email); May 21, 2012 (SIP Addendum #2); June 20 and 21, 2012 (email clarifications on AOC 24 status); and, June 26, 2012 (email SIP Addendum #3). These submittals, together, will be referred to as the "Notification."

In your Notification, you propose the following PCB cleanup and disposal activities:

- The painted superstructure of Building 3, including painted interior components, will be demolished and/or removed, and disposed of as a greater than or equal to (\geq) 50 parts per million (ppm) PCB waste at a TSCA-permitted facility in accordance with § 761.61(b) and § 761.62;
- Characterization of the Building 3 concrete floor and underlying soils will be conducted to determine cleanup and disposal requirements;
- Area of Concern (AOC) 21: PCB-contaminated soils with greater than ($>$) 1 part per million will be removed to meet the *high occupancy area* cleanup standard without further restrictions;
- AOC 22: PCB-contaminated soils with > 10 ppm will be removed and the area will be capped with a TSCA compliant cap as specified under § 761.61(a)(7) to meet the *high occupancy area* cleanup standard;
- AOC 23: PCB-contaminated soils with > 1 ppm will be removed to meet the *high occupancy area* cleanup standard without further restrictions. If this cleanup standard cannot be achieved, PCB-contaminated soils with > 1 ppm but less than or equal to (\leq) 10 ppm will remain and will be capped with a TSCA compliant cap as specified under § 761.61(a)(7) to meet the *high occupancy area* cleanup standard;
- AOC 24: This area is designated as a *low occupancy area* and no further cleanup (i.e., soil removal) will be conducted as the PCB concentrations in this area are less than ($<$) 10 ppm;
- AOC 25: This area is designated as a *low occupancy area* and is fenced. No further cleanup (i.e., soil removal) will be conducted as the PCB concentrations in this area are < 10 ppm;
- PCB-contaminated soils with ≥ 50 ppm will be disposed of in accordance with § 761.61(a)(5)(i)(B)(2)(iii) at a TSCA-permitted disposal facility or RCRA-hazardous waste landfill; and, PCB-contaminated soils with < 50 ppm will be disposed of at a RCRA-permitted non-hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii) or at a RCRA-permitted hazardous waste landfill or TSCA-permitted disposal facility in accordance with § 761.61(a)(5)(i)(B)(2)(iii);
- Confirmatory sampling following PCB-contaminated soil excavation will be conducted to document that the cleanup standards for off-site and on-site disposal have been achieved; and,

- A deed notation in the form of an environmental land use restriction (ELUR) will be executed to document Site restrictions (e.g., non-disturbance of PCB-contaminated and/or capped areas) and the fact that PCBs at > 1 ppm but ≤ 10 ppm remain in soils at the Site.

With the exception of the soil characterization sampling and information related to the concrete floor and underlying soils at Building 3, your Notification meets the requirements under § 761.61(a). Based on the information provided and given the Site history, the characterization sampling conducted at the Site, and the proposed removal plan, the PCB-impacted soils appear to be adequately defined for purposes of cleanup and disposal. EPA finds that the characterization sampling and the additional sampling that will be conducted during soil removal, will be adequate for purposes of segregation of the PCB-contaminated soils for off-site disposal and that these activities will create no unreasonable risk to public health or the environment. EPA may approve the alternative sampling under § 761.61(c).

EPA is approving the Notification and you may proceed with the proposed PCB cleanup and disposal under 40 CFR §§ 761.61(a) and (c), the Notification, and this Approval subject to the conditions of Attachment 1.

While the Building 3 area is considered part of AOC-21, additional characterization sampling of the Building 3 concrete and underlying soils is necessary to define nature and extent of contamination for purposes of cleanup and disposal. As such, this Approval **requires** submittal of the characterization sampling results and the proposed cleanup and disposal plan to EPA for review and approval in accordance with Attachment 1, Condition 16.

Please be aware that this Approval does not release either Pateley or Pitney Bowes from any applicable requirements of federal, state or local law, including those requirements related to the cleanup of other [non-PCB] contaminants. EPA encourages both Pateley and Pitney Bowes to continue to work with the Connecticut Department of Energy and Environmental Protection (CTDEEP) to insure all approvals necessary for this project have been obtained.

Questions and correspondence concerning and/or required under this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in cursive script, appearing to read "James T. Owens III".

James T. Owens III, Director
Office of Site Remediation & Restoration

Attachment 1

cc: R. Standish, Haley & Aldrich
R. Rosen, Greyhawke Capital
L. Freeman-Bosworth, Pitney Bowes
G. Trombly, CTDEEP
File

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
23 BARRY PLACE
STAMFORD, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* and *PCB bulk product waste* (i.e., Building 3 paint) located at the Site and identified in the Notification.
2. Pateley Associates, LLC (Pateley) and Pitney Bowes Inc. (Pitney Bowes) (together, "the Parties") shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Parties must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Parties shall contact EPA within 24 hours for direction on sampling and cleanup requirements.
6. The Parties are responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Pateley or Pitney Bowes has or receives information indicating that Pateley, Pitney Bowes, or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Parties are authorized to conduct the activities set forth in the Notification. The Parties are responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Parties from compliance with any applicable requirements of federal, state or local law; or 3) release the Parties from liability for, or otherwise resolve, any violations of federal, state or local law.

9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirements in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the Parties of acceptance of the conditions of this Approval within 10 business days of receipt.
11. The Parties shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.
12. Prior to initiating onsite work under this Approval, the following information shall be submitted to EPA for review and/or approval:
 - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected remediation contractor(s) describing the air monitoring that will be employed during remedial activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

13. The cleanup level for *PCB remediation waste* at the Site shall be in accordance with 40 CFR § 761.61(a)(4) and shall meet the requirements for a *high occupancy area* or *low occupancy area* as described in the Notification.
 - a. Bulk *PCB remediation waste* (i.e., soil) samples shall be collected on a bulk basis (i.e., mg/Kg) and reported on a dry-weight basis.

- i) Following excavation of the greater than or equal to (\geq) 50 parts per million (ppm) PCB-contaminated soils, sampling shall be conducted as described in the Notification to confirm that all \geq 50 ppm PCB-contaminated soils have been removed. Composite sampling **may not** be conducted to confirm that the \geq 50 ppm PCB-contaminated soils have been removed. Bulk *PCB remediation waste* with \geq 50 ppm shall be disposed of in accordance with § 761.61(a)(5)(i)(B)(2)(iii).
 - ii) Following excavation of the greater than ($>$) 1 ppm or the $>$ 10 ppm but less than ($<$) 50 ppm PCB-contaminated soils, sampling shall be conducted to confirm that the less than or equal to (\leq) 1 ppm or the \leq 10 ppm PCB cleanup standard has been achieved, as applicable. Bulk *PCB remediation waste* with $<$ 50 ppm shall be disposed of in accordance with § 761.61(a)(5)(i)(B)(2)(ii) or § 761.61(a)(5)(i)(B)(2)(iii).
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
- b. *Porous surfaces* (i.e., Building 3 concrete slab) PCB sampling, if applicable, shall be performed in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, to a maximum depth interval of 0.5 inches. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with § 761.61(a)(5) and § 761.62, unless otherwise specified as follows:
- a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. The Parties shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by either Pateley or Pitney Bowes to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

19. The Parties shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the Parties in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
20. The Parties shall submit a final report, both in hard copy and CD-ROM, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo log; characterization and confirmation sampling analytical results; copies of the accompanying chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests; and copies of certificates of disposal or similar certifications issued by the disposer.
21. Within 60 days of completion of the cleanup activities described in the Notification and authorized by this Approval, and as required under § 761.61(a)(8)(i)(B), Pateley shall submit to EPA a certification, that it has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted.

22. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527

23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1